

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

DARNELL E. WILLIAMS and YESSENIA
M. TAVERAS,

Plaintiffs,

v.

JOHN B. KING, JR., in his official capacity as
Secretary of the United States Department of
Education, and JACOB J. LEW, in his official
capacity as Secretary of the United States
Department of the Treasury,

Defendants.

Civil Action No. 16-11949

**PLAINTIFFS' ASSENTED-TO MOTION FOR EXTENSION OF TIME TO OPPOSE
MOTION TO DISMISS**

Pursuant to Federal Rule of Civil Procedure 6(b), Plaintiffs Darnell E. Williams and Yessenia M. Taveras respectfully request an extension of time to oppose Defendants' Motion to Dismiss for Lack of Jurisdiction. Plaintiffs request this extension for the following reasons:

1. Plaintiffs Darnell E. Williams and Yessenia M. Taveras filed their First Amended Complaint on October 14, 2016 (Document No. 5).
2. In their Complaint, Plaintiffs assert that Defendants John B. King and Jacob J. Lew, in their official capacities, unlawfully certified Plaintiffs' student loan debts as legally enforceable, and unlawfully seized Plaintiffs' tax refunds. Plaintiffs assert claims under the Declaratory Judgment Act and Administrative Procedure Act.
3. On November 11, 2016, Defendants moved this Court for an extension of their time to respond to Plaintiffs' Complaint (Document No. 14).

4. Plaintiffs assented to this request.

5. On November 14, 2016, the Court granted Defendants' Motion (Document No. 15).

6. On January 4, 2017, Defendants moved this Court for permission to file an overlong brief in response to Plaintiffs' Complaint (Document No. 16).

7. Plaintiffs assented to this request.

8. On January 5, 2017, the Court granted Defendants' Motion (Document No. 17).

9. On January 6, 2017, Defendants filed a Motion to Dismiss for Lack of Jurisdiction and a Memorandum in Support of Motion to Dismiss (Document Nos. 18 & 19).

10. In support of that Motion and Memorandum, Defendants included 145 pages of material outside the Complaint, including sworn statements by federal employees concerning the administrative process for certifying debts for offset, and agency records concerning Plaintiffs' accounts.

11. To date, Defendants have not produced the administrative record, and no discovery has been conducted in this case. Thus, Plaintiffs have never before seen the material appended to Defendants' Memorandum.

12. Additionally, Defendants present different legal theories in support of their respective arguments in favor of dismissal. For these reasons, Plaintiffs respectfully request an extension to February 21, 2017, to oppose Defendants' Motion to Dismiss.

13. Defendants assent to the requested extension.

WHEREFORE, Plaintiffs respectfully request that the Court extend the time to oppose Defendants' Motion to Dismiss to February 21, 2017.

Respectfully submitted,

/s/ Alec P. Harris

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Attorneys for Plaintiffs

*Admission pending

Dated: January 13, 2017

Local Rule 7.1 Certificate

I hereby certify that I contacted Defendants' attorney, Jessica Driscoll, Assistant United States Attorney, who indicated that Defendants assent to the requested extension.

Dated: January 13, 2017

/s/ Alec P. Harris
Alec P. Harris

Certificate of Service

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Dated: January 13, 2017

/s/ Alec P. Harris
Alec P. Harris